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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC 28 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM DOCKET NO. 92-111
DEAS COMMUNICATIONS, INC.)	File No. BPH-910208MB
HEALDSBURG BROADCASTING, INC.)	File No. BPH-910211MB
HEALDSBURG EMPIRE CORPORATION)	File No. BPH-910212MM
For Construction Permit for a)	
New FM Station on Channel 240A)	
in Healdsburg, California)	

To: Administrative Law Judge
Edward J. Kuhlmann

MOTION TO DEFER

Deas Communications, Inc. ("Deas") and Healdsburg Broadcasting, Inc. ("HBI"), by their attorneys, hereby move the Presiding Judge to defer the dates set in his Memorandum Opinion and Order, FCC 92M-1087, released December 15, 1992, for filing proposed findings and conclusions (January 7, 1993) and reply findings and conclusions (January 15, 1993).

In support whereof, the following is shown.

This Motion is being submitted simultaneously with other pleadings and documents pertaining to a Settlement and Merger Agreement (the "Agreement") between Deas and HBI, executed on December 22, 1992. If the Agreement is accepted, HBI's application will be dismissed and it will merge into Deas' surviving application as a nonvoting stockholder. There will be no need for HBI to file proposed findings. Importantly

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to the Presiding Judge and the Commission, there will be no need to consider HBI's findings or weigh HBI's comparative position in an Initial Decision.

Moreover, if the established schedule is adhered to, in addition to HBI filing findings that would not be used, it will be necessary for Deas and Healdsburg Empire Corporation ("Empire") to each file two sets of proposed and reply findings, the first set comparing three parties, the second comparing only two (one a merged combination of two former parties). This is a gross waste of time and resources. It would be compounded by the waste of the Presiding Officer's and Commission's time and resources, since Judge Kuhlmann will be forced to wade through two sets of findings from each of the two surviving parties and one from HBI before issuing his ID.

With all due respect, Deas and HBI urge that a preferable course of action is for the Judge to preliminarily review the settlement papers filed herewith and determine if, on their face, they establish a bona fide merger between two previously competitive parties and whether, in fact, the public interest would not be better served by a brief deferral of the remaining schedule so that the two surviving parties must only file one set of findings each, and the Judge must read and rule upon only one set.

This Motion is not filed with the intention of obstructing or impeding the prompt resolution of this

proceeding. Attempts have been made for some time to settle the case, including a global settlement, and the negotiations leading to the merger of Deas and HBI have been long and arduous. The Agreement was expeditiously completed, executed and filed once the terms were settled on. It is respectfully submitted that a brief deferral pending rulings on the Agreement and related papers will ultimately save the Presiding Judge's time and ease his schedule.

Although it cannot speak for Empire, Deas commits to the Judge that it would be prepared to file its proposed findings within seven days after the release of an order on the Agreement and related matters.

WHEREFORE, for these reasons, the Presiding Judge is requested to defer the established dates for filing proposed and reply findings until he has ruled on the Deas/HBI settlement Agreement.

Respectfully submitted,
DEAS COMMUNICATIONS, INC.

By: 
Lawrence Bernstein

Its Attorney

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December 28, 1992

CERTIFICATE OF SERVICE

I hereby certify that I have, this 28th day of December, 1992, served copies of the foregoing "Motion to Defer" upon the following persons by first class United States Mail, postage prepaid:

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